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12 UNITED STATES DISTRICT COURT
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14 DISTRICT OF NEVADA

15 GOLDEN CREEK HOLDINGS, INC., a Delaware
16 corporation,

17 Plaintiff,

18 vs.

19 MTC FINANCIAL INC. dba TRUSTEE CORPS, a
20 corporation; U.S. BANK TRUST NATIONAL
21 ASSOCIATION, NOT IN ITS INDIVIDUAL
22 CAPACITY BUT SOLELY AS OWNER
23 TRUSTEE FOR RCF2 ACQUISITION TRUST, a
24 national banking association; DOES I through X and
25 ROE BUSINESS ENTITIES I through X, inclusive,

26 Defendants.

27 Case No.: 2:24-cv-00177-RFB-NJK

28 **PLAINTIFF, GOLDEN CREEK
HOLDINGS, INC.'S, OBJECTION TO
DEFENDANT, MTC FINANCIAL
INC. dba TRUSTEE CORPS',
DECLARATION OF NON-
MONETARY STATUS [ECF No. 6]**

19 COMES NOW Plaintiff, GOLDEN CREEK HOLDINGS, INC. ("Plaintiff"), by and
20 through its attorney of record, JOSEPH Y. HONG, ESQ. of HONG & HONG LAW OFFICE, and
21 hereby files its Objection to Defendant, MTC FINANCIAL INC. dba TRUSTEE CORPS' ("Mtc"),
22 Declaration of Non-Monetary Status.

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This Objection is based on the following points and authorities, and all pleadings and papers filed in this action.

DATED this 28th day of February, 2024.

HONG & HONG LAW OFFICE

/s/ *Joseph Y. Hong*
JOSEPH Y. HONG, ESQ.
State Bar No. 005995
1980 Festival Plaza Drive, Suite 650
Las Vegas, Nevada 89135
Attorney for Plaintiff

MEMORANDUM OF POINTS AND AUTHORITIES

Contrary to Defendant, Mtc's, Declaration of Non-Monetary Status, as set forth in Plaintiff's Complaint, the claims against Defendant, Mtc, are not pursuant to Defendant, Mtc, merely serving as the trustee under the deed of trust and allegedly not due to any wrongful act or omission made in the performance of its duties as trustee. Rather, as expressly set forth in the Complaint, it has been alleged that Defendant, Mtc, failed to comply with the applicable provisions of NRS Chapters 107, 106 and/or 205. It has further been expressly set forth in the Complaint by way of a standalone claim for relief against only Defendant, Mtc, that it violated the enumerated duties under NRS 107.028.

NRS 107.028(7) states:

"7. If, in an action brought by a grantor, a person who holds title of record or a beneficiary in the district court in and for the county in which the real property is located, the court finds that the trustee did not comply with this section, any other provision of this chapter or any applicable provision of chapter 106 or 205 of NRS, the court must award to the grantor, the person who holds title of record or the beneficiary:

(a) Damages of \$5,000 or treble the amount of actual damages, whichever is greater;

(b) An injunction enjoining the exercise of the power of sale until the beneficiary, the successor in interest of the beneficiary or the trustee complies with the requirements of subsections 2, 3 and 4; **and**

(c) Reasonable attorney's fees and costs, unless the court finds good cause for a different award."

Emphasis added. See NRS 107.028(7).

Thus, pursuant to the allegation as set forth in the Complaint, Defendant, Mtc, cannot be absolved of any damages and attorney's fees and costs and be entitled to be a non-party participant in this action as it so requests under NRS 107.029.

DATED this 28th day of February, 2024.

HONG & HONG LAW OFFICE

/s/ Joseph Y. Hong
JOSEPH Y. HONG, ESQ.
State Bar No. 005995
1980 Festival Plaza Drive, Suite 650
Las Vegas, Nevada 89135
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I certify that I am an employee of Joseph Y. Hong, Esq., and that on this 28th day of February, 2024, I served a true and correct copy of the foregoing **PLAINTIFF, GOLDEN CREEK HOLDINGS, INC.'S, OBJECTION TO DEFENDANT, MTC FINANCIAL INC. dba TRUSTEE CORPS', DECLARATION OF NON- MONETARY STATUS [ECF No. 6]** by electronic transmission through the Court's electronic filing system upon each party in this case who is registered and listed as an electronic case filing user with the Clerk.

By/s/ Debra L. Batesel

An employee of Joseph Y. Hong, Esq.